

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HELEN GREENE JOHNSON,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

24-CV-872 (DEH)

MUHAMMAD A. AZIZ,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

24-CV-874 (DEH)

ORDER

DALE E. HO, United States District Judge:

Aziz v. United States of America, 24-CV-874, has been reassigned to the undersigned.

All counsel must familiarize themselves with the Court's Individual Practices, which are available at <https://nysd.uscourts.gov/hon-dale-e-ho>. Unless and until the Court orders otherwise, all prior orders, dates, and deadlines shall remain in effect notwithstanding the case's reassignment.

One initial pretrial conference will be held for the above-captioned cases. Counsel for all parties shall appear for a *joint* initial pretrial conference with the Court on **April 24, 2024, at 11:30 a.m. EST**. See ECF No. 20. The conference will be held in Courtroom 905 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, NY 10007. Any open legal issues can be addressed at the conference.

Counsel are directed to confer with each other prior to the conference regarding settlement and each of the other subjects to be considered at a Federal Rule of Civil Procedure 16 conference. Additionally, in accordance with Paragraph 3.c of the Court's Individual Practices, the parties are hereby ORDERED to file on ECF one joint letter, described below, as well as a proposed Civil Case Management Plan and Scheduling Order attached as an exhibit to the joint letter, no later than **April 16, 2024**. Parties shall file a single letter for both cases and file it in the above-captioned case dockets. If parties are interested in consolidating the cases, see question (3) below, parties shall file a single proposed Civil Case Management Plan and Scheduling Order or file two separate plans if they are not interested in consolidation. The parties shall use this Court's form Proposed Civil Case Management Plan and Scheduling Order, which is also available at: <https://nysd.uscourts.gov/hon-dale-e-ho>.

The joint letter shall provide the following information in separate paragraphs:

- (1) A brief statement of the nature of the action and the principal defenses, and the major legal and factual issues that are most important to resolving the case, whether by trial, settlement or dispositive motion;
- (2) A brief explanation of why jurisdiction and venue lie in this Court. In any action in which subject matter jurisdiction is founded on diversity of citizenship pursuant to Title 28, United States Code, Section 1332, the letter must explain the basis for the parties' belief that diversity of citizenship exists.
- (3) A statement as to parties' views on consolidating the above-captioned cases;
- (4) A statement of all existing deadlines, due dates, and/or cut-off dates;
- (5) A brief description of any outstanding motions;

- (6) A brief description of any discovery that has already taken place and of any discovery that is necessary for the parties to engage in meaningful settlement negotiations;
- (7) A brief description of the status of prior settlement discussions, without disclosing exact offers and demands;
- (8) A statement confirming that the parties have discussed the use of alternate dispute resolution mechanisms and indicating whether the parties believe that (a) a settlement conference before a Magistrate Judge; (b) participation in the District's Mediation Program; and/or (c) retention of a privately retained mediator would be appropriate and, if so, when in the case (*e.g.*, within the next sixty days; after the deposition of plaintiff is completed; after the close of fact discovery; etc.) the use of such a mechanism would be appropriate; and
- (9) Any other information that the parties believe may assist the Court in advancing the case to settlement or trial, including, but not limited to, a description of any dispositive issue or novel issue raised by the case.

In accordance with the Court's Individual Practices, requests for an extension or adjournment may be made only by letter-motion filed on ECF and must be received at least **two (2) business days** before the deadline or conference. The written submission must state (1) the original date(s); (2) the number of previous requests for adjournment or extension; (3) whether these previous requests were granted or denied; (4) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent; and (5) the date of the parties' next scheduled appearance before the Court. Unless counsel are notified that the conference has been adjourned, it will be held as scheduled.

The Clerk of Court is respectfully requested to docket this order in both above-captioned cases.

SO ORDERED.

Dated: February 29, 2024
New York, New York

A handwritten signature in black ink, appearing to read "Dale Ho", is written above a horizontal line.

DALE E. HO
United States District Judge